

FILED

NOV 07 2012


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

*

DONALD E. MOELLER,

* CIV 04-4200

*

Plaintiff,

*

*

-vs-

ORDER

*

*

DOUGLAS WEBER, Warden,
South Dakota State Penitentiary,
DENNIS KAEMINGK, Secretary of
the South Dakota Department of
Corrections in his official capacity,
and DOES 1-20, unknown employees or
agents of the South Dakota Department
of Corrections,

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

Defendants.

*

*

The Court in the October 22, 2012, hearing stated that some of the documents that are sealed in this case should be unsealed. The Court then entered its Order of October 25, 2012, to which the Defendants, the Arkansas Federal Public Defender's Office, and Mark Marshall, as counsel for Donald E. Moeller, have responded.

The information at issue is protected by this Court's Orders (Doc. 92, 188, 285, 286). That information is (1) the name of, or identifying information concerning, the execution team members who establish the IV lines and who administer the injection; (2) the name of, or identifying information concerning, any pharmacist who supplies or prepares lethal injection drugs; (3) the name of, or identifying information concerning, the manufacturer, supplier, or seller of lethal injection drugs; (4) Deponents #1, #2, #3, and #4, as well as the court reporter for those depositions and the identity of any notary public; and (5) all manufacturer as well as supplier information, including photos of product. So that there is no misunderstanding, the depositions of Deponents #1, #2, #3,

and #4 are to be unsealed but any information identifying any deponent is to be redacted.

Defendants shall print out a complete set of the depositions of Deponents #1, #2, #3, and #4, and the filings and exhibits in issue which are now sealed and redact any and all references therein to the foregoing five information items 1-5.

The Attorney General's Office will then supply the redacted hard copies to the Clerk of the Court for the Court's final review. The clerk's master set will become the only publicly-accessible verison of the sealed documents and no person or entity subject to the Court's Protective Order may thereafter disclose the unsealed documents, even if redacted, to any person not subject to the Protective Orders. All public disclosure of the unsealed documents must occur through the Clerk's Office and neither the Arkansas Federal Public Defenders' Office, the Attorney General, or any person subject to the Protective Orders would be permitted to disseminate these unsealed documents to persons not subject to the Protective Order unless the document bears the CM/ECF identification showing that it originated from the Clerk of the Court's master set.

IT IS SO ORDERED.

Dated this 7th day of November, 2012.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, Clerk

BY: Colleen Schulte
DEPUTY